THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.19042 OF 2007

DATED: 07-09-2007

Between:

Smt Y. Bangaramma

.. Petitioner

and

The APSRTC, rep. by Vice Chairman and Managing Director, APSRTC, Mushirabad, Hyderabad and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.19042 OF 2007

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondents in not regularizing the services of the petitioner, in spite of extracting work on par with regular employees since last 23 years and not even extending the benefit of time scale, as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India.

It appears, the husband of the petitioner, while working as Cleaner with the A.P. State Road Transport Corporation (for short 'A.P.S.R.T.C.') died in harness and, thereafter, the petitioner was appointed as Water Woman at Waltair Depot of Visakhapatnam District in the year 1984, on compassionate grounds, on a consolidated pay of Rs.60/- per month. However, subsequently, her services were disengaged with effect from 24.08.1988. Therefore, she had to raise a dispute in I.D.No.250 of 1989 before the Labour Court, Visakhapatnam and, in pursuance of the award passed by the Labour Court, she was reinstated into service at Maddelapalem Depot, on a consolidated pay of Rs.150/- per month, vide office order, dated 20.01.1992. While so, the grievance of the petitioner is that, since the date of her reinstatement, though she is discharging her duties as that of a regular employee in the last grade service, neither her services

were regularized nor she was put on regular time scale. According to her, she is working on par with regular employees and, therefore, entitled for regular timescale applicable to the post of last grade service such as Sweeper/Scavenger. It seems, a representation, dated 12.05.2002, purported to have been filed by the petitioner in this regard is pending before the 2nd respondent- Regional Manager, APSRTC, Visakhapatnam.

There is no necessity of going into all the details.

If really the petitioner is working for the last 23 years as water woman/scavenger/sweeper in the respondent- Corporation, it is definitely a clear discrimination on the part of the respondents in not regularizing her services in any of the cadre according to her eligibility. The petitioner is stated to be appointed on compassionate grounds. The question of appointing a person on compassionate grounds on daily wage basis does not arise. Further, though she is working for the last 23 years, her services were not regularized and she was not put on regular time scale.

In view of the above, without expressing any opinion on merits, the respondents are directed to consider the representation, dated 12.05.2002, purported to have been made by the petitioner and pass appropriate orders, as per law, within a period of four weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner.

With the above direction, the writ petition is disposed of. No order as to costs.

C.V. RAMULU, J

7th September, 2007.
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